

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

**FILED**  
DEC 04 2009

UNITED STATES OF AMERICA, \* CR 09-40029-17

**Plaintiff,**

vs.

CR 09-40029-17

\* \* \*

## ORDER

JESUS GARCIA,  
a/k/a "Chuy,"

**Defendant.**

\* \* \*

Pending before the Court is the Defendant's Plea Agreement, Factual Basis Statement, and Supplement to Plea Agreement. A hearing to take the plea was held before the Magistrate Judge on October 26, 2009, and Judge Simko issued a Report and Recommendation accepting the plea, and recommending to this Court that the Defendant be adjudged guilty as charged in the Second Superseding Indictment with Conspiracy to Distribute and Possess with Intent to Distribute a Controlled Substance in violation of 21 U.S.C. §§ 841(a)(1) and 846. After a careful review of the file, and the time for objections having expired,

**IT IS ORDERED:**

1. That the Magistrate Judge's Report and Recommendation is ADOPTED by the Court, and the Defendant Jesus Garcia is adjudged guilty.

Dated this 3<sup>rd</sup> day of December, 2009.

BY THE COURT:

Jessie Lee Pines

Lawrence L. Piersol  
United States District Judge

**ATTEST:**

JOSEPH HAAS, CLERK

BY Jackie M. Neeser-Kimer  
DEPUTY